

Application No. 09/825,107
Amendment Dated November 3, 2003
Reply to Office Action of June 06, 2003
Express Mail No. EV067241255USUS

Remarks

For the convenience of the Examiner, these remarks will largely track the order of the current listing of claims.

Claims 1-2 are canceled in order to expedite prosecution and without prejudice to seek claims along these lines in a continuation application

Claim 3 was discussed at the Conference with the Examiners and was thought to be allowable over the art of record. Applicant proposes to remove from the preamble "use by a seated user" since this information provides context by providing a typical use but this use should not be deemed as required in order to use the invention. As there has not been any emphasis during prosecution on this phrase, its removal should not alter the allowability of the claim or trigger a need for a broader search.

Claim 4 is in its original form.

Claim 5 was previously canceled

Claims 6-8 have not been modified with this amendment.

Claim 9 stands as objected to but based on the Conference with Examiners, it now is linked to what applicant believes to be an allowable claim 3. As the dependency of claim 9 has been moved from claim 8 to claim 3, claim 9 needed minor revisions in order to provide antecedent basis for elements.

Claim 10 stands as objected to but based on the Conference with Examiners, it now is linked to what Applicant believes to be an allowable claim 3. As the dependency of claim 10 has been moved from claim 9 to claim 3, claim 10 needed minor revisions in order to provide antecedent basis for elements.

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Claim 11 stands as objected to but based on the Conference with Examiners, it now is linked indirectly to what Applicant believes to be an allowable claim 3. The dependency of claim 11 has been moved from claim 8 to claim 9 in order to provide antecedent basis for elements.

Claim 12 was previously presented.

Claim 13 stands as objected to but based on the Conference with Examiners it now is linked indirectly to what Applicant believes to be an allowable claim 3. Thus, claim 13 has not been amended in this response.

Claims 14-16 have not been altered in this amendment but are now based on what Applicant believes to be an allowable claim 3. Thus, these three claims are allowable for at least the reasons that claim 3 is allowable.

Claim 17 has been canceled as the § 112 issues were not resolved during the Conference with Examiners and Applicant wishes to move this prosecution to closure. Applicant reserves the right to seek a claim akin to claim 17 in a continuation.

Claim 18 was discussed during the Conference with the Examiners and the concept was thought to be allowable over the art of record but the base claim 17 was previously rejected on § 112 grounds. Applicant has linked claim 18 to a new base claim (claim 29) which Applicant believes to be allowable for the same reasons that claim 3 is allowable as claim 29 is similar to claim 3 but lacks the requirement of finger channels. The presence or absence of finger channels has not been a central point in the discussions regarding allowability. Specifying the location of the actuators on the housing as called for in claim 29 will provide required structure.

Claim 19 was not a point of focus during the Conference with the Examiners. However, claim 19 should be allowable for the same reasons as claim 18 as the difference lies in whether

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the thumb must be left in position to maintain the change of mode (like a shift key on a keyboard) or whether the thumb toggles the mode (like cap lock on a keyboard).

Claim 20 was rejected in the last Office Action when it stood as an independent claim with admittedly relatively few limitations. It has been amended to depend from claim 3 and thus is allowable for at least the reasons that claim 3 is allowable.

Claims 21 and 22 remain canceled.

Claim 23 is canceled as it depends from canceled claim 1.

Claims 24 and 25 continue to depend from claims 18 and 19 but have been modified to use the phrase "first input actuator" to track the language used in the amended claims 18 and 19.

Claims 26-27 were previously presented and allowed in the last Office Action, but have been amended to correct a grammatical error ("of").

Claim 28 was previously presented and were allowed in the last Office Action.

Claim 29 is new. Applicant believes it to be allowable for the same reasons that claim 3 is allowable, as claim 29 is similar to claim 3 but lacks the requirement of finger channels. The presence or absence of finger channels has not been a central point in the discussions regarding allowability. Specifying the location of the actuators on the housing as called for in claim 29 will provide required structure. Claim 29 is allowable as it retains the element of interest to the Examiners from claim 3 - "the housing further comprising a platform for containment of an x-y input device, the platform placed to be protruding outward from and substantially perpendicular to and slightly skewed to one side of the long axis of the main body section".

Claim 30 was discussed at the Conference with the Examiners and was felt to be allowable over the art of record.

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Claim 31 is like Claim 30 except that Claim 31 does not include a requirement for a fin as found in claim 30. As the use of the fin was not central to the allowability of claim 30, it would follow that a claim lacking this element would also be allowable.

Claim 32 is new and is dependent from claim 31. Claim 32 adds the scroll-mode select switch. The scroll-mode select switch has been the subject of previously pending claims 18 and 19. Thus, no new matter appears in this claim.

Claim 33 is new and is dependent from claim 31. Claim 33 adds the scroll-mode select switch, but does in a different way than claim 32. The scroll-mode select switch has been the subject of previously pending claims 18 and 19. Thus, no new matter appears in this claim.

Claim 34 adds further detail to claim 32 including a finger touch switch positioned at the bottom of a channel intended to receive and support the index finger. Claim 34 does not add new matter as previously filed claims contained these concepts and were supported by the specification and figures as originally filed.

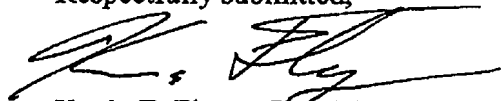
Assignee believes that all of the Examiner's concerns have been addressed by the combination of: 1) the detailed explanations of the differences between the present invention and the prior art during the Conference with the Examiners, 2) amendments to claims and 3) cancellation of claims in order to expedite prosecution. Applicant believes that the new claims are in keeping with the shared understanding on the significant differences between the present invention and the art of record. The new claims do not add new matter. Accordingly, Assignee seeks a timely Notice of Allowance be issued in this case. Should Examiner have any doubts or unresolved questions, Applicant's attorney seeks a telephone conference to quickly resolve such doubts or questions.

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Respectfully submitted,



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Enclosures

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